## The Minutes

## August 30, 2004

C042868 THE PEOPLE v. VUE

(Not for Publication)

The judgment against defendant is modified... As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification and to forward a certified copy of the amended abstract to the Department of Corrections.

DAVIS, Acting P.J.

We concur: Raye, J.

Morrison, J.

C042890 THE PEOPLE v. TAPIA

(Not for Publication)

The order is affirmed.

RAYE, Acting P.J.

We concur: Hull, J.

Robie, J.

C044111 THE PEOPLE v. THOMAS

(Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We concur: Nicholson, J.

Hull, J.

C038860 C038988 ERICKSON v. CENTRAL VALLEY TOWING, INC., et al.

(Not for Publication)

Erickson's appeal from the judgment entered April 18, 2001, is dismissed. The judgment entered August 3, 2001, is reversed, and the case is remanded to the trial court for further proceedings limited to determining the amount of postoffer costs to which defendants are entitled under Code of Civil Procedure section 998. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a).)

ROBIE, J.

We concur: Scotland, P.J.

Hull, J.

C042733

WHITECHAT v. DeMARTINI, JR., Individually and as Trustee, etc. (Not for Publication)

The judgment is affirmed. Whitechat is to pay DeMartini's costs of this appeal. (Cal. Rules of Court, rule 27(a).)

MORRISON, J.

We concur: Sims, Acting P.J.

Hull, J.

## The Minutes

## August 30, 2004, continued

## C043764 PROUTY et al. v. GORES TECHNOLOGY GROUP et al.

(Certified for Publication)

The judgment is reversed, and the matter is remanded to the trial court for further proceedings consistent with this opinion. Costs on appeal are awarded to plaintiffs. (Cal. Rules of Court, rule 27(a).) (CERTIFIED FOR PUBLICATION.)

NICHOLSON, J.

We concur: Davis, Acting P.J.

Raye, J.

## C044773 FRANCIS v. FRANCIS et al.

(Not for Publication)

The judgment is affirmed. Defendants shall recover their costs on appeal.

(Cal. Rules of Court, rule 27(a).)

NICHOLSON, J.

We concur: Sims, Acting P.J.

Davis, J.

## C044910 LAIDLAW TRANSIT SERVICES, INC. v. A.R. LINTERN, INC.

(Not for Publication)

The judgments are affirmed. Lintern shall recover its costs on appeal.

(Cal. Rules of Court, rule 27(a).)

ROBIE, J.

We concur: Sims, Acting P.J.

Nicholson, J.

# C046060 In re JAMES A.; BUTTE COUNTY CHILDREN'S SERVICES DIVISION

v. EVA R.

(Not for Publication)

The order terminating appellant's parental rights is affirmed.

NICHOLSON, J.

We concur: Sims, Acting P.J.

Robie, J.

## August 31, 2004

## C045554 THE PEOPLE v. LEE

(Not for Publication)

The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment, corrected as stated above, and to forward a certified copy to the Department of Corrections.

SIMS, J.

We concur: Scotland, P.J.

Butz, J.

## The Minutes

## August 31, 2004, continued

#### THE PEOPLE v. HALEY C045671

(Not for Publication)

The judgment is reversed and the cause remanded to the trial court for further proceedings consistent with this decision. Upon motion by defendant within 30 days of the date the remittitur is filed in the superior court, the court shall vacate defendant's no contest plea.

ROBIE, J.

We concur: Raye, Acting P.J.

Butz, J.

#### C043248 SMITH v. DEL WEBB CORPORATION et al.

(Not for Publication)

The judgment is reversed. Smith shall recover costs on appeal. (Cal.

Rules of Court, rule 27 (a)(1).)

MORRISON, J.

We concur: Nicholson, Acting P.J.

Rave, J.

#### C045248 **HERRERA v. CHAMBERS**

(Not for Publication)

The judgment is affirmed. Chambers shall recover his costs on appeal.

(Cal. Rules of Court, rule 27(a).)

Robie, J.

We concur: Davis, Acting P.J.

Nicholson, J.

### C045656 MT. OSO FRUIT CO., INC. v. AMERICAN AGRISURANCE, INC. et al.

(Not for Publication)

The judgment is affirmed. Defendants shall recover their costs on appeal.

(Cal. Rules of Court, rule 27(a).)

ROBIE, J.

Sims, Acting P.J. We concur:

Morrison, J.

## The Minutes

## August 31, 2004, continued

#### C045344 In re V.P.; YOLO COUNTY DEPARTMENT OF HEALTH AND HUMAN **SERVICES v. GRACE S.** (Not for Publication)

The orders denying the petition for modification and denying appellant reunification services are reversed and the matter is remanded to the juvenile court with directions to conduct an evidentiary hearing on the petition. The appellant may also tender at the hearing evidence regarding the alleged disappearance of the minor with her father, the status of any existing custody arrangement, the appellant's current situation, and whether appellant is entitled to the immediate custody of the minor. (Code of Civ. Proc., § 43; cf. Guardianship of Smith (1954) 42 Cal.2d 91, 94.)

MORRISON, J.

We concur: Blease, Acting P.J.

Butz. J.

## September 1, 2004

#### C043136 THE PEOPLE v. BAILEY (Not for Publication)

The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the sentence for Count Two, felon in possession of a firearm, as six years, that term staved pursuant to Penal Code section 654, and the five-year term imposed for the Penal Code section 667, subdivision (a) prior, and to forward a certified copy thereof to the Department of Corrections.

SIMS, J.

We concur: Scotland, P.J.

Hull, J.

#### C043554 THE PEOPLE v. McDONALD (Not for Publication)

The judgment is modified...The trial court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a certified copy to the Department of Corrections. In all other respects, the judgment is affirmed.

DAVIS, Acting P.J.

We concur: Hull. J.

Butz, J.

#### C043802 THE PEOPLE v. STEVENSON

(Not for Publication)

The judgment is affirmed.

DAVIS, J.

Scotland, P.J. We concur:

Sims, J.

## The Minutes

## September 1, 2004, continued

C044529 THE PEOPLE v. LeFAVOUR (Not for Publication)

The judgment is reversed and the matter is remanded to the trial court to allow defendant to withdraw his no contest plea. If defendant so moves, the trial court must grant his motion. If defendant does not move to withdraw his plea within 60 days of the filing of the remittitur in the trial court, the trial court shall reinstate the judgment.

DAVIS, Acting P.J.

We concur: Hull, J.

Robie, J.

C045302 THE PEOPLE v. HERNANDEZ (Not for Publication)

The judgment is affirmed.

RAYE, Acting P.J.

We concur: Robie, J.

Butz, J.

C045468 THE PEOPLE v. PENNINGTON (Not for Publication)

The judgment is affirmed. The trial court is directed to correct the amended abstract of judgment as stated in the opinion and to forward a certified copy of said abstract to the Department of Corrections.

RAYE, J.

We concur: Sims, Acting P.J.

Butz, J.

CO43358 CAPERS et al. v. NUNN, as Chief, etc. and SHEET METAL WORKERS'

INTERNATIONAL ASSOCIATION LOCAL UNION NO. 104 et al.

C043360 AIR CONDITIONING TRADES ASSOCIATION UNILATERAL

APPRENTICESHIP PROGRAM v. CALIFORNIA APPRENTICESHIP COUNCIL and SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION LOCAL UNION NO. 104 et al. (Not for Publication)

The judgments are affirmed. Each party shall pay its own costs on

appeal.

DAVIS, J.

We concur: Sims, Acting P.J.

Nicholson, J.

C045893 In re DILLON S.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. KIMBERLY G. (Not for Publication)

The order of the juvenile court is affirmed.

SIMS, J.

We concur: Scotland, P.J.

Butz, J.

## The Minutes

## September 1, 2004, continued

C045684 In re WHITE C046271 In re PENA

C046677 In re HARRIS-ANDERSON

(CERTIFIED FOR PUBLICATION)

THE COURT:

Having found that the petitions for writ of habeas corpus in *In re White*, C045684, *In re Pena*, C046271, and *In re Harris-Anderson*, C046677, fail to state a prima facie case for relief, we deny them without prejudice. We further order that each petitioner may file a new petition for writ of habeas corpus in the superior court, and that the period of time between the date the petitioner retained Dangler and the date upon which this decision becomes final will not be counted against the petitioner with respect to the delay in filing a new habeas corpus petition in the superior court...

...The order to show cause re contempt is discharged in the interests of justice.

This opinion constitutes a written statement of our reasons for imposing sanctions. (*Bach v. County of Butte* (1989) 215 Cal. App.3d 294, 313.) Pursuant to the requirements of Business and Professions Code section 6086.7, subdivision (a)(3), a copy of this opinion will be sent to the State Bar of California.

SCOTLAND, P.J.

We concur: NICHOLSON, J.

HULL, J.

## C047181

# MONIQUE T. v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and DEPARTMENT OF HEALTH AND HUMAN SERVICES et al. (Not for Publication)

The petition is denied.

SIMS, Acting P.J.

We concur: Nicholson, J.

Robie, J.

## September 2, 2004

## C041949 C044727

## THE PEOPLE v. ARMSTRONG

(Not for Publication)

The trial court's order striking defendant's conviction for misdemeanor petty theft in violation of sections 484, subdivision (a) and 488 is reversed and that conviction is reinstated; defendant's conviction for receiving stolen property in violation of section 496, subdivision (a) is reversed; and the matter is remanded to the trial court for resentencing. In all other respects, the judgment is affirmed.

RAYE, Acting P.J.

We concur: Robie, J.

Butz. J.

## The Minutes

## September 2, 2004, continued

C043091 THE PEOPLE v. WEBB (Not for Publication)

The judgment is affirmed. MORRISON, J.

We concur: Scotland, P.J.

Butz, J.

C043632 THE PEOPLE v. HORTON (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Scotland, P.J.

Butz, J.

C045488 THE PEOPLE v. MASON (Not for Publication)

The judgment is affirmed.

ŇICHOLSON, J.

We concur: Scotland, P.J.

Butz, J.

C045858 THE PEOPLE v. KNIGHT (Not for Publication)

The judgment is reversed and the cause remanded to the trial court. Upon motion by defendant within 30 days of the date the remittitur is filed in the superior court, the court shall vacate defendant's no contest plea. The court is then directed to suppress the evidence uncovered as a result of defendant's arrest.

ROBIE, J.

We concur: Raye, Acting P.J.

Butz, J.

C046361 THE PEOPLE v. SPECK (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Scotland, P.J.

Hull, J.

## September 3, 2004

C042479 THE PEOPLE v. RUIZ (Not for Publication)

The judgment is reversed and the matter is remanded for a new trial.

MORRISON, J.

We concur: Blease, Acting P.J.

Raye, J.

## The Minutes

## September 3, 2004, continued

C043823 THE PEOPLE v. GONZALES (Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Scotland, P.J.

Hull, J.

C045266 THE PEOPLE v. TARVER (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Raye, J.

Hull, J.

C044329 CALIFORNIA DEPARTMENT OF CORRECTIONS v. STATE PERSONNEL BOARD and HENNING (Certified for Partial Publication)

The judgment is affirmed. The parties shall Bear their own costs on

appeal. (Cal. Rules of Court, rule 27 (a)(4).)

SIMS, J.

We concur: Scotland, P.J.

Blease, J.